

ELIZABETH ELAINE PARDUE v. MICHAEL BRINEGAR and wife, APRIL B. BRINEGAR;  
FRANCES BRINEGAR

No. 387A09

FILED: 29 JANUARY 2010

**Boundaries—line running “up the branch”—intent of grantors**

A decision of the Court of Appeals that the ground location of points on a boundary in addition to three undisputed points was a factual question for the jury is reversed for the reason stated in the Court of Appeals dissenting opinion that language in the deeds to the parties stating that the boundary line runs “up the branch” unequivocally established the branch or stream as the natural boundary between the two properties, and the boundary was not two straight lines running between the undisputed markers.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 199 N.C. App. \_\_\_, 681 S.E.2d 435 (2009), affirming both an order denying plaintiff’s motion for judgment notwithstanding the verdict and a judgment entered on 16 May 2008 by Judge Michael D. Duncan in District Court, Wilkes County. Heard in the Supreme Court 6 January 2010.

*McElwee Firm, PLLC, by John M. Logsdon, for plaintiff-appellant.*

*Stone & Christy, P.A., by Bryant D. Webster, for defendant-appellees.*

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed and the case is remanded to that court for further remand to the trial court for entry of judgment for plaintiff.

REVERSED AND REMANDED.